

GOVERNMENT OF TELANGANA
ABSTRACT

PUBLIC SERVANTS - Industries Department - Allegations of corruption against Sri B.Koteswar Rao, former Industrial Promotion Officer, O/o General Manager, District Industries Center, Khammam - Entrusted the case for Departmental Enquiry - Enquiry - Report - Communicated - Explanation - Show Cause Notice Issued - Representation - APPSC Concurrence - Imposing a punishment of 5% cut in pension for a period of two (2) years - Orders - Issued.

INDUSTRIES & COMMERCE (VIGILANCE) DEPARTMENT

G.O.Rt.No. 22.

Dated:18.07.2014

Read the following:

1. From the Director General, Anti-Corruption Bureau, Hyderabad Lr.No.18/RCT-WKH/2007-S5, dt.17.02.2007 & 25.08.2007.
2. Reptn. of Sri B.Koteswara Rao, IPO (u/s) dt.08.08.2007.
3. Govt.Memo.No.1868/Vig.A2/2007-1, dt.16.09.2008.
4. From the COI, Hyderabad Memo.No.40-2-06-0238-0238-ID-1, dt.12.11.2009.
5. From the DG, ACB Lr.Rc.No.18/RCT-WKH/2007, dt.19.11.2011.
6. G.O.Rt.No.47, I&C (Vig.) Deptt., dt.27.01.2012.
7. written statement of defence submitted by Sri B.Koteswara Rao, formerly IPO, DC, Khammam dt.19.3.2012.
8. G.O.Rt.No.333, I&C (Vig.) Deptt., dt.23.05.2012.
9. G.O.Rt.No.434, I&C (Vig.) Deptt., dt.09.07.2012
10. From the GM, DIC, RR District Lr.No.191/Estt/2009, dt.28.6.2012 received through COI, Hyderabad Lr.No.40-2-06-0238-0238-ID-1, dt.18.9.2012.
11. From the GM, DIC, RR District Lr.No.191/E/2009, dt.25.4.2013 received through COI, Hyderabad Lr.No.40-2-06-0238-0238-ID-1, dt.17.5.2013.
12. Govt.Memo.No.1868/Vig.A2/2007-1, dt.27.8.2013.
13. Reptn.of Sri B.Koteswara Rao, formerly IPO (now retd) dt.3.10.2013 received through the COI Lr.no.40-2-06-0238-0238-ID, dt.31.10.2013.
- 14.Govt.Memo.No.1868/Vig.A2/2007-2, dt.11.03.2014.
15. Reptn.of Sri B.Koteswara Rao, formerly IPO (now retd) dt.28.3.2014 received through the COI Lr.no.40-2-06-0238-0238-ID, dt.21.04.2014.
16. Letter.No.1868/Vig.A2/2007-4, dt.20.05.2014.
17. From the APPSC Lr.No.783/RT/2/2014, dt.08.07.2014.

In the reference 1st read above, the Director General, Anti-Corruption Bureau, Hyderabad has reported that Sri B.Koteswara Rao, Industrial Promotion Officer, O/o the General Manager, District Industries Center, Khammam was trapped on 03.02.2007 when he demanded and accepted a bribe of Rs.2,000/- from the complainant Sri Dodda Ramesh, R/o Dwarakanagar, Khammam for doing an official favour for processing his application and issuing Micro Small and Medium Enterprises Development (Part-I) Acknowledgement under Small Scale Industry Unit. Accordingly, the Commissioner of Industries placed Sri B.Koteswara Rao, IPO under suspension vide his proc.No.40-2-2007-0038/0038/ID, dt.6.2.2007. After completing investigation, the DG, ACB has furnished final report through the reference 1st read above recommending to prosecute the AO Sri B.Koteswara Rao, IPO in a court of law and also initiate departmental action for violation of conduct rules for not submitting his Annual Property Returns regularly and contravened to Rule 9 (7) of APCS (Conduct) Rules, 1964.

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2. In the reference 2nd read above, Sri B.Koteswara Rao, IPO has submitted representation before the Government on certain grounds requesting to reinstate him into service and refer the case for departmental enquiry.

3. After careful examination of the matter on the final report of the DG, ACB and the representation made by the AO Sri B.Koteswara Rao, IPO (u/s), O/o DIC, Khammam, Government have decided to reinstate Sri B.Koteswara Rao, IPO into service and to initiate departmental enquiry as per CCA Rules, 1991 and issued orders vide reference 3rd read above. Accordingly, the Commissioner of Industries, Hyderabad have issued orders reinstating Sri B.Koteswara Rao, IPO into service and posted as IPO, O/o GM, DIC, Adilabad vide his proc.No.40/2/2008/0238/0238/ID-2, dt.27.9.2008.

4. Further, the Commissioner of Industries, Hyderabad has initiated departmental action by framing charges against Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam on violation of conduct rules for not submitting Annual Property Returns vide his proc. dt.27.10.2008. After receipt of the explanation dt.14.11.2008 and it is not convinced, the Commissioner of Industries have been appointed Sri M.Udaya Bhaskar, General Manager, DIC, Sangareddy, Medak District as Inquiring Authority and Sri Ramakrishna, Asst.Director, DIC, Adilabad as Presenting Officer respectively to inquire into the charges framed against Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam through the reference 4th read above.

5. In the reference 5th read above, the Director General, Anti-Corruption Bureau, Hyderabad have furnished draft Article of Charges on the allegation of corruption against Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam. Accordingly, Government have initiated departmental action by framing charges against Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam on the allegation of demand and acceptance of bribe vide reference 6th read above.

6. In the reference 7th read above, Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam has submitted written statement of defence stating that an IPO he has no manner concerned in dealing with Registration Certificate or for issue of Part-I Acknowledgement and he is not aware of the application submitted by the complainant Sri D.Ramesh and he did not never seen except on the date of trap. The Section Assistant request him to hand over the Certificate to Sri D.Ramesh and just the file happened to be with him incidentally. He has further stated that while he was busy on 3.2.2007 to attend a meeting in the Collectorate, the complainant approached him and he was asked him to sign the office copy and handed over original to him and did not observe his movements till the ACB officials raided and he did not demanded any bribe from the complainant as alleged. Hence, he has requested to exonerate him from the charges.

7. The explanation submitted by the charged officer is not convincing, Government have appointed Sri M.Udaya Bhaskar, General Manager, District Industries Center, RR District as Inquiring Authority to inquire into the charges framed against Sri B.Koteswara Rao, formerly IPO, GM, Khammam through the reference 8th read above. In the reference 9th read above, Sri K.Janardhan Reddy, Inspector of Police, ACB, Khammam was appointed as Presenting Officer to present the case in the Inquiry officer under rule 20 (2) of APCS (CCA) Rules, 1991.

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8. In the reference 10th read above, the General Manager, DIC, RR District have submitted Inquiry Report on the charges framed against Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam for violation of conduct rules for not submitting Annual Property Returns stating that on the basis of the oral and documentary evidences adduced by the CO and in view of further objection filed by the ACB officials and taking into the consideration of the documentary evidence, the IA finding that the charges are not proved.

9. In the reference 11th read above, the General Manager, DIC, RR District have submitted Inquiry Report on corruption charges framed against Sri B.Koteswara Rao, formerly IPO, O/o GM, Khammam stating that on the basis of the evidence and documents available he has finding that (1) the signature on the petition filed with Inspector of Police, ACB is not tallying with other signatures of the entrepreneur on all other papers, it can be construed that he has avoided to face the enquiry (2) there is a procedural lapse in the office as to why the signed papers were kept with the concerned IPO without getting them dispatched. The office could have asked the entrepreneur to wait for some time and handed over the same on the same day (3) On perusal of the documents furnished, Sri Koteswar Rao served the Department for over 35 years without any blemish and does not possess any valuable properties and hails from the poor ST Community and retired from service on 31.5.2012 (4) the entrepreneur as stated by him that Sri B.Koteswar Rao has demanded a bribe of Rs.2,000/-, he could have informed to the higher authorities. Though the phenolphthalein test proved positive, the demanding of money by him is not proved as per analysis and the money might have not taken by him, as he was about to go to Collectorate for attending the purchase Committee meeting. The Mediators and Witnesses also gave the statements that the demand and acceptance of money had not occurred in their presence. On the foregoing analysis and assessment and the documents made available before the Enquiry Officer, he has finding that Sri Banoth Koteswar Rao, the then Industrial Promotion Officer (now retired) District Industries Centre, Khammam may be exonerate from the charge as “not proved”, as Sri D.Ramesh, complainant being abstained from the enquiry.

10. After careful examination of the two reports submitted by the Inquiry Authority, Government have observed that (1) the report of inquiry authority on the charge failure to file Annual Property Returns reveals that the charged officer Sri B.Koteswara Rao, IPO has not filed APRs for certain years. As regards to allegation of demand and acceptance of bribe, the GM has signed the document on 17.01.2007. While so, the Industrial Promotion Officer would have issued the document to the complainant on 22.01.2007 or later on 29.01.2007. On the mere absence of the complainant, charge may not be held as not proved. Circumstantial evidence is that he has demanded the bribe, or otherwise he would have handed over the document on 22.01.2007 or at least on 29.01.2007. The contention of the Inquiring Authority is that the complainant would have complained to higher authorities are not acceptable and it is out of his purview. Accordingly, the COI, Hyderabad is requested to communicate both the report of the IA on the above two allegations to Sri B.Koteswara Rao, the then IPO, O/o DIC, Khammam u/r 21 (2) of APCS (CCA) Rules, 1991 to furnish his explanation on the findings of the Inquiry Authority including the above disagreement factors through the reference 12th read above.

11. In the reference 13th read above, Sri B.Koteswara Rao, formerly IPO, O/o GM, DIC, Khammam (now retd) has stated that upto 1994, he was working as Sr.Assistant and for the year 1996 and from 2001 to 2006, the

Annual Property Returns were submitted. During his entire period of service, he has constructed a house by taking HBA and MCA from the Government in the years 1994 and 1995 and the same is reported to the Department in his APRs in the respective years. He has also stated that non-submission of the APRs for few years is not intentional and the period was only treated as "NIL" and not submitted the "nil" returns. He has further stated that the complainant Sri D.Ramesh, came on 3.2.2007 when he asked for the certificate, he has told him to take the certificate and sign in the office copy and he has not asked any money from him and he had intentionally kept the money voluntarily and this fact was also mentioned in the Mediators Report No.II. If there is any demand of money, he would have kept the money in his pocket instead of putting in the table drawer and the entire incident happened as a drama arranged with plan and everything was done with ill-motive. Further, the complainant did not approach him either on 17.1.2007, 22.1.2007 or 29.1.2007 and this was also recorded in the Mediators Report No.II also and the file was given to him before the day of trap only and it was kept on the table only. He has also stated that after the files are seen by the General Manager, they are sent to the Section Superintendent and concerned clerks directly. In the instant case also, when the file was signed by the GM on 17.1.2007, this particular MSME Registration file was also sent to the concerned clerk and it is the practice that the Certificate are being delivered to the concerned entrepreneurs from the Section itself and also being dispatched. In this case, he has not known why the concerned clerk has not dispatched the certificate to the entrepreneur and the concerned clerk after keeping the file many days, sent the file to him to be kept on his table, only a day before the trap for being delivered to the entrepreneur. From the above, it is evident that the file was given to him only one day before, after keeping the file with the clerk for many days. If he had the intention of demanding money, he could have made phone calls to the entrepreneur and handed over the certificate long back. He has finally stated that it proves to say that the file is not with him on 22.1.2007 and 29.1.2007. Hence, he has requested to drop further action.

12. After careful examination of the matter keeping in view the findings of the Inquiring Authority on the two allegations and also the representation of Sri B.Koteswara Rao, formerly IPO, O/o GM (now retd), Government have provisionally decided to impose a punishment of 5% (five percent) cut in pension for a period of two (2) years against him. Accordingly, the COI was requested to issue show cause notice as to why the punishment of 5% cut in pension for a period of two (2) years should not be imposed against the CO Sri B.Koteswara Rao, formerly IPO (now retd) under rule 9 (1) of APRP Rules, 1980 vide reference 14th read above.

13. In the reference 15th read above, Sri B.Koteswara Rao, formerly IPO (now retd) has submitted representation stating that the enquiry has been conducted twice by the EO and in both the enquiries, the ACB representative were attended and no objections were filed and the enquiry discloses that the complainant was falsely instituted with the connivance of Industry Association representative as there were differences with him in processing the case as he used to process the same in accordance with rules and the complainant Sri D.Ramesh abstained from facing the enquiry and the burden of proof lies on the complainant, but he abstained from the enquiry and not produced any written documentary evidence in support of his allegation. He has further stated that he has retired from service on 31.5.2012 and he did not receive any pensionary benefits. Hence, he has requested to drop the proposed punishment of 5% cut in pension, so as to enable him to get the retirement benefits as the entire family is facing financial burdens to meet the medical expenses and also domestic problems.

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14. Government, after careful examination of the entire matter and have decided to confirm the provisional decision to impose a punishment of 5% cut in pension for a period of two (2) years against Sri B.Koteswara Rao, formerly IPO, O/o the GM, Khammam (now retd). Accordingly, Government in consultation with the APPSC, hereby impose a punishment of 5% cut in pension for a period of two (2) years against Sri B.Koteswara Rao, formerly IPO, O/o the GM, Khammam (now retd). A copy of the APPSC concurrence is enclosed herewith.

15. The Commissioner of Industries, Andhra Pradesh, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

PRADEEP CHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT &
COMMISSIONER FOR INDUSTRIAL PROMOTION

To

The Commissioner of Industries, Telangana, Hyderabad. (w.e)

Copy to:-

Sri B.Koteswara Rao, formerly IPO, O/o the GM, DIC, Khammam (now retd)

Through the COI, Hyderabad (w.e)

The A.P.Vigilance Commission, Hyderabad.

The Director General, Anti-Corruption Bureau, Telangana, Hyderabad.

The Secretary, APPSC, Hyderabad.

The Accountant General, Telangana, Hyderabad.

The District Treasury Officer, Khammam.

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER